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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-05-00482- JSW (JCS)
)	
Plaintiff,)	PROPOSED ORDER EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
v.)	
)	
DARRELL EDWARD SANCHO,)	
)	
Defendant.)	
)	
)	

This matter came on the calendar of the Honorable Joseph C. Spero on September 8, 2005.

At that time, the defendant, Darrell Edward Sancho, was arraigned on the July 27, 2005 indictment.

The matter was placed on Judge White's calendar for September 29, 2005. The parties requested an exclusion of time under the Speedy Trial Act from September 8 through 29, 2005 based upon the need for continuity of counsel and effective preparation of counsel. The government is providing discovery to the defense. The defendant's counsel, Ira Salzman, needs time to review this discovery. Moreover, Mr. Salzman is currently undergoing chemotherapy treatment for cancer. Thus, the time needed to review discovery must be extended to permit Mr. Salzman to undergo and recover

1 from this treatment. Therefore, the parties are requesting an exclusion of time. The parties agree that
 2 the time from September 8 through 29, 2005 should be excluded in computing the time within which
 3 trial shall commence. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

4 Accordingly, the Court HEREBY ORDERS that the time from September 8 through 29, 2005
 5 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the
 6 requested exclusion would deny the defendant continuity of counsel and reasonable time necessary for
 7 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
 8 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested exclusion
 9 outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition
 10 of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion
 11 of time should be made under 18 U.S.C. § 3161(h)(8)(A).

12 SO ORDERED.

13
 14 DATED: September 28, 2005


 HONORABLE JOSEPH C. SPERO
 UNITED STATES MAGISTRATE JUDGE

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 17 Approved as to form:

18
 19 /s/ Ira Salzman
 IRA SALZMAN, ESQ.
 20 Attorney for Defendant

21
 22 /s Monica Fernandez
 MONICA FERNANDEZ
 23 Assistant United States Attorney